

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHEET METAL WORKERS' NATIONAL PENSION
FUND, SHEET METAL OCCUPATIONAL HEALTH
INSTITUTE TRUST, INTERNATIONAL
TRAINING INSTITUTE FOR THE SHEET METAL
AND AIR CONDITIONING INDUSTRY, and
SHEET METAL WORKERS' INTERNATIONAL
ASSOCIATION SCHOLARSHIP FUNDS,

MEMORANDUM & ORDER
11-CV-1239(JS)(WDW)

Plaintiffs,

-against-

EUGENE NIFENECKER,

Defendant.

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APPEARANCES:

For Plaintiffs: Jeffrey S. Dubin, Esq.
464 New York Avenue, Suite 100
Huntington, NY 11743

For Defendant: No Appearances.

SEYBERT, District Judge:

Plaintiffs Sheet Metal Workers' National Pension Fund,
International Training Institute for the Sheet Metal and Air
Conditioning Industry, Sheet Metal Occupational Health Institute
Trust, and Sheet Metal Workers' International Association
Scholarship Fund (collectively, "Plaintiffs") sued Defendant
Eugene Nifenecker ("Defendant") for delinquent contributions
allegedly owing under a collective bargaining agreement.
Defendant has not appeared or otherwise defended this suit, and
Plaintiffs moved for a default judgment. On November 30, 2011,

Magistrate Judge William D. Wall issued a Report and Recommendation ("R&R") recommending that Plaintiffs be awarded \$17,333.44 in damages, costs, and attorneys' fees. No objections were filed within the prescribed time.

Judge Wall's R&R is thorough, well-reasoned, and free of clear error. Accordingly, it is ADOPTED in its entirety. The Clerk of the Court is respectfully directed to enter judgment against Defendant and in favor of Plaintiffs in the amount of \$17,333.44. Plaintiffs shall also be entitled to post-judgment interest calculated pursuant to 28 U.S.C. § 1961. The Clerk of the Court is further directed to mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 15, 2012
Central Islip, New York